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FILEFEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Reply to Docket No. 92-80  
Commissioners Quello and Duggan;

I am Gerhard F Dobler (Gary). I would like to respond to the proposed rule changes and explain some of the problems that we have come across on our ventures of establishing Microwave systems. I represent myself and about a hundred others partners and applicants. We are attempting to put these markets together.

We feel that the commission should put one department in charge of all Microwave bands and licenses. MMDS, MDS, OFS, LPTV, and ITFS should fall under one department. This itself would give the commission better control of all proposed systems and would simplify the application process for all of us that have the intent to build these systems out to its full potential.

We would also like to see the commission allow us to put all MDS, MMDS, ITFS, OFS, and LPTV bands on the same time schedule. But only if we can prove that we are making the effort warranted.

We are also for the commission to complete all lotteries that were filed before the rule changes from the 60 day window to the 24 hour window. We feel that the 24 hour window is the best filing window what so ever.

We are also for the commission to grant all exclusive filings in a timely manner.

In regards to settlement groups. We feel that the settlement groups that were in place prior to the rule changes should stand. But any new filings since that time should not allow settlement groups. The only settlement groups that should be allowed in the 24 hour scenario should be full market settlements between the applicants.

One big problem is the possibility of not allowing spacing waivers. We feel that the commission should allow spacing waivers. If the proper interference studies have been supplied to the FCC. The FCC should be capable of studying those interference studies and make a decision if there is no interference. The commission should allow spacing waivers. The commission should not disallow spacing waivers just to expedite the back logged applications. This is a form of prejudice to us and the communities it effects. We are strongly for spacing waivers. We should not use this avenue just to reduce the work load on the FCC.

Another major problem is with the ITFS bands. We know that the ITFS bands are reserved for educational entities. But the commission has opened up two ITFS bands to commercial license holders. But we have no protection if we file those ITFS bands. If we file on two ITFS bands and a year later somebody like a RuralVision or a U S Wireless go into that area and file on those ITFS bands through a educational entity, through a lease. Our license is automatically pulled from us, based on the fact that we are not a school entity. Yet they would have control of the licenses through the lease format. We need protection. Such as if a commercial entity can prove presents in a market area and a educational entity needs air time we should be obligated to grant that entity x amount of air time. Instead of losing the license.

Also any commercial entity that is filing for the two ITFS bands or is obtaining them through a lease should prove to the FCC the presents of control of some commercial licenses in the area. This will eliminate the warehousing of licenses for profit from others with the true intent to assemble a system. I personally have this problem in three market areas alone. How many other applicants have the same problem?

Example, The state of Texas has a problem. In Abilene TX. U.S. Wireless, Mr. Davis has control of all ITFS bands in the Abilene area through leases. He states that for us to get those ITFS bands he wants \$400,000.00 and 10% of the business, plus we finance the venture. That's crazy. I understand that

he has about a dozen market areas tied up this way in Texas alone. Another example is RuralVision, Mr. Hudson. Mr. Hudson has control of the ITFS bands in Jonesboro AR, through leases and also in other areas, but they hold no commercial bands in any market area. Also Mr. Hudson has been indicted before. These people are using the ITFS lease program to there advantage with no presents of any commercial bands in there control. These people are abusing the system. We call it black mail and ransom and that is precisely what it is. We feel very strongly that the commission should look at this matter. They have no reason for being in these market areas. The only reason for them to do leases in these areas without any commercial bands is to hold people like us up for ransom. It is not fair to us the applicants and the license holders and the educational entities in those areas. They simple must show some form of control of the commercial licenses before they are allowed to file or gain control of the ITFS bands through the lease formate. This would protect all of us and the educational entities. Otherwise these systems will be corrupted by these manipulators. We need protection from the commission to give it our best effort for us the true believers in Microwave. I would like to thank you for taking the time to read our complaints that effect all of us. Please take these notes under consideration and make the necessary changes to protect the general public, the applicants, the Educational entities, and the Microwave operators. This can be something great. I have discussed these problems with Bob James and Mark Solberg already.

THANK YOU  
Very Sincerely,

Gerhard F Dobler  
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